

**ENTERED**

May 04, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

MARK PAUL KIRKPATRICK

Plaintiff.

VS.

CAROLYN W COLVIN

Defendant.

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CIVIL ACTION NO. 3:16–CV–00337

**ORDER ADOPTING MAGISTRATE’S MEMORANDUM AND  
RECOMMENDATION AND REMANDING CASE**

Pending before the Court is the Memorandum and Recommendation of United States Magistrate Judge Andrew Edison. On February 22, 2018, this case was referred to Judge Edison pursuant to 28 U.S.C. § 636(b)(1)(a). Pending before Judge Edison was Plaintiff’s Motion for Summary Judgment (Dkt. 12). On April 18, 2018, Judge Edison filed a Memorandum and Recommendation recommending that the Plaintiff’s Motion for Summary Judgment be granted, the decision of the Commissioner be reversed, and the case be remanded for reconsideration (Dkt. 17).

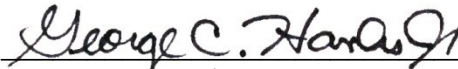
No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) The Plaintiff's Motion for Summary Judgment is **GRANTED**;
- (3) The decision of the Commissioner is **REVERSED**; and
- (4) This matter is **REMANDED** to the Commissioner for reconsideration consistent with this opinion.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 4th day of May, 2018.

  
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George C. Hanks Jr.  
United States District Judge